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April 9, 2010

To: City Council

From: Fred Diaz, City Manager

Subject: **Policy Statements Regarding Warm Springs Area**

At the February 9, 2010 City Council meeting, Councilmember Natarajan requested that staff provide prior policy statements regarding land use in the Warm Springs Area to consultants who will be considering revitalization of the NUMMI site and future development in the Warm Springs area. This memo summarizes Council policy direction to date on this subject. It will be provided to consultants responding to the City's Request for Proposals to conduct a range of studies regarding the NUMMI site and the Warm Springs area. It will also be provided to the public on the City website.

DATE	CITY COUNCIL POLICY DIRECTION
February 23, 2010	The City Council approved the staff recommendation to apply for a Priority Development Area (PDA) designation for the Warm Springs BART Station area, stating City support for a compact and connected development pattern in this area. PDAs are intended to support the development of housing-and employment-intensive uses around transit facilities and to provide opportunities to connect the housing supply with local jobs and services.
January 26, 2010	As part of approval of Legislative Policies and Funding Priorities for 2010, the City Council adopted as policy support for legislation that provides support to local governments in implementing transit-friendly development. City Council also adopted a policy supporting special legislative efforts to facilitate and streamline the process for adoption of redevelopment plans to address the closure of major regional manufacturing facilities. Council adopted as a Funding Priority a project that would provide access from the NUMMI area over the Union Pacific Railroad tracks into the west side of the BART station.

<b>DATE</b>	<b>CITY COUNCIL POLICY DIRECTION</b>
January 12, 2010	Staff provided a summary of a conceptual approach to the possible location of a major league baseball stadium on land currently owned by NUMMI. The City Council discussed the concept, but did not take action.
December 15, 2009	The City Council adopted an ordinance and general plan amendment setting minimum development intensities related to commercial and industrial condominiums. The stated purpose of these changes was to limit low intensity uses in TOD areas such as the Warm Springs BART area.
July 14, 2009	<p>The City Council adopted an updated Housing Element of the General Plan. Action 3.02-C of the updated Element states that “the City will continue to consider rezoning land for higher intensity (greater than 30 units/acre) development . . . as opportunities arise. The City will evaluate these possible conversions in accordance with the General Plan, taking into account the need to focus housing growth near transit and also the effect on the local economy.”</p> <p>Action 3.03-D of the updated Element states that “Housing is a critical component of a successful transit-oriented neighborhood. Studies show that the most successful transit-oriented developments offer a range of housing types and affordability within a short distance of transit. As part of the City’s comprehensive General Plan Update, the Land Use Element will include new policies to encourage a mix of housing near transit. The City will also continue existing policies to encourage a mix of uses near transit such as no density limit for mixed use projects, no minimum open space requirement for mixed use . . . ”</p> <p>Action 6.03-A of the updated Element states that “Consistent with regional planning efforts, the City plans to accommodate much of its future housing need in the Central Business District and in areas near existing and planned transit hubs (Centerville Train Depot, Fremont BART, Irvington BART) and along transit corridors. As part of a comprehensive update of its General Plan, the City will amend the Land Use element to reflect this long-range vision of intensified uses near transit. The updated General Plan will provide a policy basis for future rezoning of land near transit at higher densities.”</p>
October 2, 2007	The City Council adopted a resolution providing notice that the City intended to amend zoning regulations regarding commercial condominium conversion projects and new commercial condominium development. The staff report stated that one of the reasons this revision to the commercial condominium regulations was necessary was to limit low-intensity commercial condominiums in the Warm Springs BART area.
Sept. 11, 2007	The City Council chose not to adopt staff’s recommendation for an interim urgency ordinance requiring all new development and new uses within the boundary of the Warm Springs BART Area Specific Plan to obtain a Zoning Administrator Permit or

DATE	CITY COUNCIL POLICY DIRECTION
	<p>Conditional Use Permit in order to preserve TOD development opportunities. Council directed staff to return to Council with:</p> <ol style="list-style-type: none"> <li>1) Concepts for interim uses within the Warm Springs-BART Area [completed 10/2/07];</li> <li>2) A method for limiting fractionalized ownership that could preclude future redevelopment with higher intensity uses [completed December 1, 2009], and</li> <li>3) TOD guidelines using a “tiered” approach for the future Warm Springs BART Station property [citywide TOD guidelines to be adopted as part of General Plan Update].</li> </ol>
February 24, 2004	<p>The City Council received the Existing Conditions Report for the BART Warm Springs Area Specific Plan. The stated purpose of the Plan was: <i>To provide a vision for a well planned, transit-oriented community that capitalizes on the unique location of Fremont and the project site surrounding the proposed Warm Springs BART Station. Future development shall enhance the economic base of the City of Fremont by encouraging land uses that optimize market dynamics and long-term development trends for Fremont, the Silicon Valley and Northern California.</i></p> <p>No formal action was taken.</p>
June 24, 2003	<p>The City Council adopted a resolution supporting TOD and affirming that the Warm Springs BART Station Area Plan would include an evaluation of higher-intensity development consistent with the General Plan</p>